Remarks

The present paper is submitted in reply to the Office Action dated October 3, 2005. In the Office Action, the Examiner rejected claims 1-21 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of U.S. Patent No. 6,630,678 B2. Applicant respectfully submits that the attached terminal disclaimer overcomes the rejection thereto.

Applicant further submits that the filing of the terminal disclaimer is to obviate the rejection based on the judicially created doctrine obviousness-type double patenting and is not an admission of the propriety of the rejection. *See Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991). Applicant further respectfully submit that the "filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection." *Id.* at 874, 1394-95.

In view of the foregoing remarks and the attached terminal disclaimer, Applicant respectfully submit that all of the claims in the application are in allowable form and that the application is now in condition for allowance. Applicant further submit that neither further search nor consideration would be necessitated by entry of this response. Therefore, entry is proper and should be effected.

Respectfully submitted,

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